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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 110.00

## Complete if Known

Application Number	10/614,954
Filing Date	July 7, 2003
First Named Inventor	Hohn, et al.
Examiner Name	M. Ibrahim
Art Unit	1638
Attorney Docket No.	30884 US/CIP

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 50-1744

Deposit Account Name Syngenta

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20** =	X	=
Independent Claims	-3** =	X	=
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 88	2201 44	Independent claims in excess of 3
1203 300	2203 150	Multiple dependent claim, if not paid
1204 88	2204 44	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130		2051 65		Surcharge - late filing fee or oath	
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130		1053 130		Non-English specification	
1812 2,520		1812 2,520		For filing a request for <i>ex parte</i> reexamination	
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110		2251 55		Extension for reply within first month	
1252 430		2252 215		Extension for reply within second month	
1253 980		2253 490		Extension for reply within third month	
1254 1,530		2254 765		Extension for reply within fourth month	
1255 2,080		2255 1,040		Extension for reply within fifth month	
1401 340		2401 170		Notice of Appeal	
1402 340		2402 170		Filing a brief in support of an appeal	
1403 300		2403 150		Request for oral hearing	
1451 1,510		1451 1,510		Petition to institute a public use proceeding	
1452 110		2452 55		Petition to revive - unavoidable	
1453 1,330		2453 665		Petition to revive - unintentional	
1501 1,370		2501 685		Utility issue fee (or reissue)	
1502 490		2502 245		Design issue fee	
1503 660		2503 330		Plant issue fee	
1460 130		1460 130		Petitions to the Commissioner	
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180		1806 180		Submission of Information Disclosure Stmt	
8021 40		8021 40		Recording each patent assignment per property (times number of properties)	
1809 790		2809 395		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790		2810 395		For each additional invention to be examined (37 CFR 1.129(b))	
1801 790		2801 395		Request for Continued Examination (RCE)	
1802 900		1802 900		Request for expedited examination of a design application	
				Terminal Disclaimer	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 110.00

## SUBMITTED BY

(Complete (if applicable))

Name (Print/Type)	Gregory W. Warren	Registration No. (Attorney/Agent)	48,385	Telephone	919-541-8646
Signature		Date	November 11, 2004		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Hohn *et al.*

APPLICATION NO: 10/614,954

FILED: July 07, 2003

FOR: Trichothecene Resistant Plants

ART UNIT: 1638

EXAMINER: M. Ibrahim

Commissioner For Patents  
Alexandria, VA 22313

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(b) and (c)**

Sir:

Syngenta Participations AG, a Swiss corporation, represents that it is the assignee and owner of the entire interest in the above-identified application by virtue of an assignment from the inventors, enclosed herewith. This assignment was submitted to the United States Patent and Trademark Office for recordation on October 7, 2004.

Syngenta Participations AG hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and § 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,346,655 issued on February 12, 2002. Syngenta Participations AG is also the assignee and owner of the entire interest in said Patent No. 6,346,655 by virtue of an assignment from Novartis AG. The ownership title of Novartis AG was recorded in the United States Patent and Trademark Office on October 30, 2000 at Reel/Frame 011070/0912. Documentary evidence of the chain of title from Novartis AG to Syngenta Participations AG is enclosed herewith.

Syngenta Participations AG hereby agrees that any patent granted on the above-identified application shall be enforceable only for and during such period that

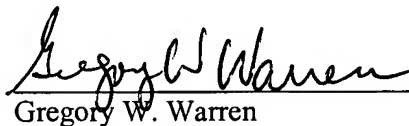
it and prior Patent No. 6, 346,655 are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, Syngenta Participations AG does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and § 173 of prior Patent No. 6,346,655, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay maintenance fees, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Commissioner is authorized to charge \$110.00 to Applicants credit card for payment of the terminal disclaimer fee under 37 C.F.R. § 1.20(d). A credit card payment form is enclosed for fee purposes.

Signed this 11th day of November 2004, by the undersigned agent of record.

Syngenta Biotechnology, Inc.  
Patent Department  
3054 Cornwallis Road  
Research Triangle Park, NC 27709  
(919) 541-8646



Gregory W. Warren  
Agent for Applicants  
Reg. No. 48,385

ASSIGNMENT

We,

Thomas M. Hohn                      residing at 3054 Cornwallis Road  
Research Triangle Park, North Carolina 27709

Cheryl Peters                      residing at 6308 Valley Estates Drive, Raleigh, NC 27613

John Salmeron                      residing at 3054 Cornwallis Road  
Research Triangle Park, North Carolina 27709

for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, do hereby sell and assign to **Syngenta Participations AG**, a company organized under the laws of the Swiss Confederation, having a place of business at Schwarzwaldallee 215, Basel, Switzerland 4058, its successors, assigns and legal representatives, all my right, title and interest, which includes the right to and full benefit of such priorities as may now or hereafter be granted to me by any applicable local or foreign laws or by treaty, including any international convention for the protection of industrial property, in and for the United States, its territories and possessions, as well as all foreign countries, in and to the invention entitled:

Trichothecne Resistance Gene

invented by me and described in the following patent application(s):

Application No. 10/614,954 filed on July 7, 2003

including (1) said United States Provisional Patent Application and all United States and/or foreign patent applications claiming the benefit of priority thereof, (2) said United States Patent Application and all continuations and divisions thereof (including further continuations and divisions such as, but not limited to, continuations of continuations and divisions of continuations), (i) all United States Letters Patent which may be issued and/or granted on all such applications, (ii) all applications for reissues and extensions of and reexamination certificates for all such United States Letters Patent and (iii) all reissues and extensions and reexamination certificates issued for all such United States Letters Patent, and (3) said International Patent Application and all national stage applications,

which may be filed in the United States and/or any foreign countries, claiming the benefit of priority thereof (including all continuations, divisions, further continuations and divisions, etc., of said International Patent Application and all continuations, divisions, further continuations and divisions, etc., of any such national stage applications), (i) all foreign Letters Patent which may be issued and/or granted on all such applications, and (ii) all foreign patent or other intellectual property rights (such as, but not limited to, utility models) derivable from said International Patent Application in accordance with any applicable foreign laws or by treaty, said interest being the entire ownership of said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates, foreign Letters Patent, and foreign patent or other intellectual property rights derivable from said International Patent Application to be held and enjoyed by Syngenta Participations AG and its successors and assigns to the full end of the terms to which said United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates, foreign Letters Patent, and foreign patent or other intellectual property rights derivable from said International Patent Application may be granted and/or issued, as fully and entirely as the same would have been held and enjoyed by me if this sale, assignment, and transfer had not been made;

And I hereby agree to sign and/or execute any further documents and/or instruments which may be necessary, lawful, and proper in and/or for the filing and/or prosecution of said applications for United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates, foreign Letters Patent, and foreign patent or other intellectual property rights derivable from said International Patent Application and/or the granting and/or issuance thereof and/or to otherwise secure title to said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates, foreign Letters Patent, and foreign patent or other intellectual property rights derivable from said International Patent Application in Syngenta Participations AG and its successors and assigns.

Signed this 28<sup>th</sup> day of September 2004 by Thomas M. Hohn  
Thomas M. Hohn

Signed this 28<sup>th</sup> day of September 2004 by Cheryl Peters  
Cheryl Peters

Signed this 28<sup>th</sup> day of September, 2004 by John Salmeron  
John Salmeron

ASSIGNMENT

**NOVARTIS AG**, a company organized under the laws of the Swiss Confederation, having a place of business at Lichtstrasse 35, Basel, Switzerland 4056,

for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, hereby assigns to **SYNGENTA PARTICIPATIONS AG**, a Swiss corporation, having a place of business at Schwarzwaldalle 215, Basel, Switzerland 4058, its successors, assigns and legal representatives, all right, title and interest, which includes the right to and full benefit of such priorities as may now or hereafter be granted by local laws or by treaty, including any international convention for the protection of industrial property, in and for the United States and its territories and possessions in and to the inventions described in the applications for United States Letters Patent

Att Docket No.	Application Serial No.	Filing Date	Patent No.	Issue Date
30884B	09/538,414	03/29/2000	6,346,655	02/12/2002

including (1) said applications for United States Letters Patent and all continuations and divisions thereof (including further continuations and divisions such as, but not limited to, continuations of continuations and divisions of continuations), (2) all United States Letters Patent which may be issued and/or granted on all such applications, (3) all applications for reissues and extensions of and reexamination certificates for all such United States Letters Patent and (4) all reissues and extensions and reexamination certificates issued for all such United States Letters Patent, the said interest being the entire ownership of said invention and all of said applications, United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates to be held and enjoyed by the said Syngenta Participations AG and its successors and assigns to the full end of the terms to which said United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates may be granted and/or issued, as

fully and entirely as the same would have been held and enjoyed by assignor if this sale, assignment and transfer had not been made;

And assignor hereby agrees to sign and/or execute any further documents and/or instruments which may be necessary, lawful and proper in and/or for the filing and/or prosecution of said applications for United States Letters Patent (including reissue Letters Patent), extensions and reexamination certificates in said assignee.

Signed this 4th day of November, 2004 by



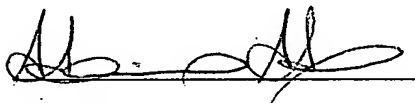
Ingo HOELSCHER  
(on behalf of Novartis AG)

Signed this 4th day of November, 2004 by



Jocelyne CERONI  
(on behalf of Novartis AG)

Signed this 4th day of November, 2004 by



Antonino Amato  
(on behalf of Syngenta Participations AG)

Signed this 4th day of November, 2004 by



Cornelia Schiller  
(on behalf of Syngenta Participations AG)